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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,209	07/08/2003	Geoffrey S.M. Hedrick	3190-55	1735
7590	08/12/2004		EXAMINER	
Lance J. Lieberman, Esq. Cohen, Pontani, Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176				LOUIS JACQUES, JACQUES H
		ART UNIT	PAPER NUMBER	3661
DATE MAILED: 08/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	10/616,209	
Examiner	HEDRICK, GEOFFREY S.M.	
Jacques H Louis-Jacques	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 08 July 2003.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-4,6,7,9,11-17,19 and 21 is/are rejected.  
7) Claim(s) 5,8,10,18 and 20 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/8/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-7, 9, 11-17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Volkel [6,654,024].

The prior art, as recognized by Applicant, described a method and system for presenting or displaying a variety of aircraft status, control, flight and situation awareness on a single flat panel display (FPD) in an aircraft, which permits more and more data to be placed directly in front of aircraft pilots, thereby making all such data concurrently available for immediate viewing by the flight crew. However, as noted by Applicant, the prior art fails to display the different data based on their priority (or level of importance) by presenting primary (most important) data with a brightness level, which is different, or (less) than a brightness level for secondary (less important) data. Volkel, dealing with the same problem Applicant is solving, on the other hand, discloses a method for displaying primary and secondary information by reproducing symbols on a display, the symbols are shown with different brightnesses (brightness levels) according to their importance. According to Volkel, the brightness level is changed as the importance of the changes, i.e., based on a condition that requires a user's attention. See abstract, column 1. Thus, it would have been obvious to one skilled in the art at the time of the invention to be

motivated to modify the prior art, as admitted by Applicant, by incorporating the features from the method for displaying primary and secondary information, wherein the information are displayed with different brightness levels based on their importance (priority) of Volkel because such modification, as suggested by Volkel, would provide a system in which the user can clearly see the priority of an item of information from the type of representation.

3. Claims 1-4, 6-7, 9, 11-17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Futschik et al [5,673,987].

As noted above, the admitted prior art discloses the limitations thereof. However, However, as noted by Applicant, the prior art fails to display the different data based on their priority (or level of importance) by presenting primary (most important) data with a brightness level that is different or (less) than a brightness level for secondary (less important) data. Futschik et al, relating to the same problem Applicant is attempting to solve, discloses a combination display unit and display method for a vehicle having primary display element and secondary display element indicating various regularly-detected operating parameters. The primary parameters (data), according to Futschik et al, are illuminated with a brightness level that is different (higher) than the brightness level for the secondary data. When a critical operating parameter value for the secondary data is reached, however, the brightness level for that secondary data is changed, i.e., increased (abstract, columns 1 and 2). See also columns 3-4. According to Futschik et al, the condition is an abnormal (critical) condition for the secondary data. Also, the secondary data has a value comprising a predetermined alarm condition, i.e., a signal

issued in critical cases (column 1). In reference to cruise control in column 3, the user manually enters a new value for the secondary data. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the admitted prior art by incorporating the features from the combination display unit of Futschik et al because such modification, as suggested by Futschik et al, would a system in which overstimulation of the user can be avoided, thereby the most important information can be determined by the user without being distracted by other displayed data.

***Allowable Subject Matter***

4. Claims 5, 8, 10, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not particular teach changing the brightness level of the secondary data on the display from the second brightness level to the first brightness level in response to detection of the condition, and returning the changed brightness level of the secondary data from the first brightness level to the second brightness level a predetermined time interval after detecting that the user is manually entering the new value of the secondary data.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,038,498	Briffe et al	Mar. 2000
6,389,332	Hess et al	May 2002
6,512,529	Jansen et al	Jan. 2003
US20030004557	Sikora	Jan. 2004

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER